

The House Committee on Insurance offers the following substitute to HB 1291:

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to clarify the types of individual medical insurance coverage which may reimburse jails for medical expenses; to authorize the state to collect individual medical insurance funds if an inmate has medical insurance coverage; to amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, so as to authorize the Department of Juvenile Justice to collect individual medical insurance reimbursement for a juvenile in the custody of the department who is covered by medical insurance or other benefits; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising paragraph (4) of Code Section 42-4-50, relating to definitions relative to medical services of inmates in jails, as follows:

"(4) 'Medical care' ~~includes~~ means medical attention, dental care, mental health care, optometry care, physical or mental health therapy, and prescribed medicine and prosthesis and necessary and associated medical, dental, mental health treatment, or optometry costs such as transportation, hospitalization, guards, room, and board."

SECTION 2.

Said title is further amended by revising Code Section 42-5-54, relating to information from inmates relating to medical insurance, as follows:

"42-5-54.

(a) As used in this Code section, the term:

(1) 'Detention facility' means a state, county, or private prison, correctional institution, workcamp, or other ~~county detention~~ facility used for the detention of persons convicted of a felony or a misdemeanor.

(2) 'Inmate' means a person who is detained in a detention facility by reason of being convicted of a felony or a misdemeanor and who is insured under existing individual health insurance, group health insurance, or prepaid medical care coverage or is eligible for benefits under Article 7 of Chapter 4 of Title 49, the 'Georgia Medical Assistance Act of 1977.' ~~Such term does not include any sentenced inmate who is the responsibility of the Department of Corrections.~~

(3) 'Medical care' means medical, dental, mental health, and optometry treatment, including physical or mental health therapy, prescribed medicine, professional services, and prosthesis, and all necessary and associated services incidental to treatment such as transportation, hospitalization, and security.

~~(3)~~(4) 'Officer in charge' means the warden, captain, or superintendent or other person having the supervision of any detention facility.

(b) The officer in charge or his or her designee may require an inmate to furnish the following information:

(1) The existence of any ~~health~~ medical care insurance, group health plan, or prepaid medical care coverage under which the inmate is insured;

(2) The eligibility for benefits to which the inmate is entitled under Article 7 of Chapter 4 of Title 49, the 'Georgia Medical Assistance Act of 1977';

(3) The name and address of the third-party payor; and

(4) The policy or other identifying number.

(c) The officer in charge ~~will~~ shall provide a sick, injured, or disabled inmate access to medical ~~services~~ care and may arrange for the inmate's health insurance carrier to pay the health care provider for the medical ~~services~~ care rendered.

(d) The liability for payment for medical care described under ~~subsection~~ subsections (b) and (c) of this Code section ~~may~~ shall not be construed as requiring payment by any person or entity, except by an inmate personally or by his or her carrier through coverage or benefits described under paragraph (1) of subsection (b) of this Code section or by or at the direction of the Department of Community Health pursuant to paragraph (2) of such subsection.

(e) Nothing in this Code section shall be construed to relieve the governing authority, governmental unit, subdivision, or agency having the physical custody of an inmate from its responsibility to pay for any medical and hospital care rendered to such inmate regardless of whether such individual has been convicted of a crime."

SECTION 3.

Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, is amended by adding a new Code section to read as follows:

"49-4A-15.

(a) As used in this Code section, the term:

(1) 'Covered' means a juvenile who is insured under existing individual or family health insurance, group health insurance, or prepaid medical care coverage or is eligible for benefits under any federal or state medical care benefits program.

(2) 'Custodian' means a parent or legal guardian or other person who stands in loco parentis to the juvenile or a person to whom legal custody of the juvenile has been given by order of a court or a public or private agency or other private organization licensed or otherwise authorized by law to receive and provide care for a child to which legal custody of the child has been given by order of a court.

(3) 'Juvenile' means a delinquent or unruly child who is under the age of 18 and detained in a juvenile detention facility by reason of being directed by a court or other local public authority for an act of delinquency, the commission of a crime, or other reason.

(4) 'Juvenile detention facility' means a detention facility controlled or operated by the department which maintains custody of juveniles, including institutions, youth detention centers, camps, or other detention facilities used for the detention of juveniles.

(5) 'Medical care' means medical, dental, mental health, and optometry treatment, including physical or mental health therapy, prescribed medicine, professional services, and prosthetics, and all necessary and associated services incidental to treatment such as transportation, hospitalization, and security.

(6) 'Officer in charge' means the superintendent or other person, or his or her designee, having executive supervision of any juvenile detention facility.

(b) The officer in charge may obtain or require a juvenile or his or her custodian or any state or local agency to furnish the following information:

(1) The existence of any medical care insurance, group health plan, prepaid medical care coverage, or state or federal medical care benefit program under which the juvenile is covered;

(2) The eligibility for benefits to which the juvenile is entitled;

(3) The name and address of the third-party payor; and

(4) The policy or other identifying number.

(c) The officer in charge shall provide a sick, injured, or disabled juvenile access to medical care and may arrange for the juvenile's medical care insurance carrier or benefits program to pay the medical care provider for the medical care rendered. Any medical care insurance or benefits program covering a juvenile shall reimburse the department as

requested by the officer in charge for any payments made by the department on behalf of a juvenile which were covered by insurance, a benefit program, or other medical care coverage. The Department of Juvenile Justice shall be subrogated to the rights of a juvenile to recover an amount not to exceed the costs to the department for providing medical care to such juvenile.

(d) The liability for payment for medical care described under this Code section shall not be construed as requiring payment by any person or entity, except by such insurance carrier or coverage program providing coverage or benefits for the juvenile or at the direction of the Department of Community Health or other agency administering such coverage benefits.

(e) Nothing in this Code section shall be construed to relieve the governing authority, governmental unit, subdivision, or agency having the physical custody of a juvenile from its responsibility to pay for any medical care rendered to such juvenile."

SECTION 4.

This Act shall become effective on July 1, 2010.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.